

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 17-0304V

Filed: November 3, 2017

UNPUBLISHED

LISA SORROW,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Causation-In-Fact; Tetanus  
Diphtheria acellular Pertussis (Tdap)  
Vaccine; Shoulder Injury Related to  
Vaccine Administration (SIRVA)

*Leah V. Durant, Law Offices of Leah V. Durant, PLLC, Washington, DC, for petitioner.  
Justine Elizabeth Walters, U.S. Department of Justice, Washington, DC, for respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

**Dorsey**, Chief Special Master:

On March 3, 2017, Lisa Sorrow (“petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*,<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that she suffered a left shoulder injury as a result of receiving a Tetanus-diphtheria-acellular pertussis (“Tdap”) vaccine on March 24, 2016. Petition at 1. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 2, 2017, respondent filed his Rule 4(c) report in which he concedes that petitioner is entitled to compensation in this case. Respondent’s Rule 4(c) Report at 1. Specifically, respondent has concluded that “a preponderance of the evidence establishes that petitioner’s injury is consistent with a shoulder injury related to

---

<sup>1</sup> Because this unpublished ruling contains a reasoned explanation for the action in this case, the undersigned intends to post it on the United States Court of Federal Claims’ website, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

vaccine administration (“SIRVA”), and that it was caused-in-fact by the Tdap vaccine she received on March 24, 2016.” *Id.* at 3. Respondent further agrees that no other causes of petitioner’s left shoulder injury have been identified and petitioner met the statutory requirements by suffering the condition for more than six months. *Id.* at 4.

**In view of respondent’s position and the evidence of record, the undersigned finds that petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Nora Beth Dorsey**

Nora Beth Dorsey  
Chief Special Master